REMARKS

Claims 1-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Michael et al. (U.S. Patent Application Publication Number 2004/0170263, hereinafter "Michael"). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

Regarding the rejection of claims 1-33, the Examiner asserts that Michael discloses the subject matter of claim 1. The Examiner cites a rather large portion of Michael that includes paragraphs [0017] – [0029]. Michael [0017] – [0029] reads as follows (emphasis added):

[0017] Shown in FIG. 1 is an exemplary telecommunications server 1102 including one or more telecommunications controllers, such as a routing system 1116 and a presence server unit 1104 that maintains contact information for a plurality of users. The telecommunications server 1102 also includes a dynamic presence proxy 1114, as will be explained in greater detail below. The routing system 1116 may be embodied, for example, as a private branch exchange or IP telephony gateway or gatekeeper or other that operates as a telephony portal.

[0018] In the example illustrated, the presence server unit 1104 maintains presence information for users Alpha (online), Beta (offline), Charlie (online), Echo (online), Foxtrot (online), Juliet (offline and on the phone), November (offline), and Zulu (online). Also shown are a plurality of users 1120a (Foxtrot), 1120 b (November), 1120c (Charlie), and 1120d (Juliet).

[0019] In the example illustrated, each user 1120a - 1120d includes a telephone 1122 a-1122 d and a presence application maintaining contact lists 1124 a- 1124d. As shown, user 1120a (Foxtrot) has users Alpha, Beta, and Charlie on his contact list 1124a; user 1122b (November) has Alpha, Echo, Foxtrot, and Zulu on his contact list 1124b; user 1120c (Charlie) has Echo, Juliet, and November on his contact list 1124c; and user 1120d (Juliet) has Alpha, Echo, and November on her contact list 1124 d. The presence server unit 1104 maintains watcher lists 1151 of those parties who are being watched by specific other parties. Thus, for example, the watcher list for user Alpha indicates that user Alpha is being watched by Foxtrot, November, and Juliet.

[0020] As noted above, users Charlie and Foxtrot are indicated to be online. Normally, this means that the users have logged in to the presence server unit 1104 and uploaded their presence states. Users Juliet and November, however, are offline. Thus, they have not logged in to their presence system. In operation, one of the offline users, such as Juliet, can use her phone 1122d to make a call, either to another user or to a remote party. The call is received at the routing system 1116, which provides a calling party

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identification to the dynamic presence proxy 1114. The dynamic presence proxy 1114 then interacts with the presence server unit 1104 and can then determine if the calling party is a presence user. If so, and the calling party is not logged in to the presence server, then the dynamic presence proxy 1114 can inform the presence server 1104 that the user is available and the presence server 1104 will then use the watcher lists 1151 to update the calling party's presence status and transmit the updated status to the logged in users that are monitoring Juliet's presence.

[0021] Operation of the embodiment of FIG. 1 is shown with reference to the flowchart of FIG. 2. At step 202, the presence server unit 1104 (FIG. 1) becomes activated. At step 204, the presence server unit 1104 receives watcher lists of registered, logged in users, and monitors the status of listed parties. For example, in FIG. 1, users Alpha, Charlie, Echo, Foxtrot, and Zulu are logged in and online. At step 206, a user who is not logged in the presence system nevertheless makes use of a monitored system. Thus, for example, user Juliet makes a phone call. The call is received at the routing system 1116 (FIG. 1). The routing system 1116 identifies the calling party and provides this information to the dynamic presence proxy 1114, which updates the logged in parties' presence, at step 208. In particular, the dynamic presence proxy 1114 communicates with the presence server unit 1104 with the identity of the calling party. The system determines that the calling party, Juliet, is a registered user but is not logged in to the presence system. The presence server unit 1104 updates the presence information to indicate that Juliet is on the phone, and then sends out the presence update to the logged in watching parties that are monitoring Juliet's presence. It is noted that in certain embodiments, the users can specify which watchers are authorized to receive their presence information. Thus, a check of authorization information may occur prior such to distribution of a presence update.

[0022] A block diagram of an exemplary telecommunications server according to an embodiment of the present invention is shown in FIG. 3. In the embodiment illustrated, the telecommunications server 1102 includes one or more telecommunications controllers, such as routing system 1116, dynamic presence proxy 1114, and presence server unit 1104. It is noted, however, that in alternate embodiments, the presence server may be located remotely from the telecommunications server.

[0023] The presence server unit 1104 may be implemented as an Instant Messaging system and may include a presence manager unit 215 a and a watcher list database manager unit 215 b. The presence manager unit 215a receives presence information from registered users and their contact lists. The watcher list database manager unit 215 b receives and coordinates the corresponding watcher list information.

[0024] For example, once a user has logged in and sent its contact list to the presence manager unit 215a, the watcher list database manager unit 215b determines who is watching whom and allows the presence manager unit 215a to provide the information to the parties on each list as to who is logged in and what their presence status is. The presence manager unit 215a or the watcher list database manager unit 215b may also maintain an authorization list or lists indicating parties who are authorized to receive other parties' presence information. In the embodiment illustrated, the routing system 1116 receives calls from remote users and identifies them, typically via a known calling number identification technique using calling number identification unit 1117. The dynamic presence proxy 1114 then receives the identification and accesses the

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watcher list database manager 215 *b*. The dynamic presence proxy 1114 then uses the user's watcher list and updates the user's presence information. The presence manager unit 215*a* then transmits the updated presence information to the contact lists of the corresponding watchers of that user.

[0025] More particularly, FIG. 4 is a flowchart illustrating operation of an embodiment of the present invention and, in particular, an embodiment in which the monitoring system is a routing system (FIG. 3) such as a telephony routing system. It is noted that in other embodiments, the monitoring system can be any of a variety of shared systems, such as other forms of multimedia server or network server. In step 402, the presence manager unit 215*a* receives log in requests and contact lists of registered users. In step 404, the watcher list database manager 215*b* updates its lists with the presence status of the logged in users. In step 406, **the dynamic presence proxy 1114 receives the list of users for whom telephony activity is to be monitored.** This may be implemented using a predetermined default or through explicit user authorization. In step 408, the routing system 1116 receives a call and identifies the calling party number. In step 410, the **dynamic presence proxy 1114 compares the calling party identification with the users being monitored. At step 412, if a calling party number is recognized, the dynamic presence proxy 1114 tells the watcher list database manager 215*b* to update the presence status of the caller identified.** At step 414, **the watcher list database manager 215*b* instructs the presence manager unit 215*a* to transmit the presence updates to the registered users on whose contact lists the calling party appears.** In certain embodiments, the updates are provided only to users authorized by the calling party. At step 416, the call ends, for example, by the calling or called party hanging up. At step 418 , **the routing system 1116 tells the dynamic presence proxy 1114 that the call has ended. At step 420, the dynamic presence proxy 1114 again tells the watcher list database manager 215*b* to update its watcher list containing the caller. Finally, at step 422, the update is transmitted to the watchers.**

[0026] As noted above, the dynamic presence proxy 1114 of embodiments of the present invention may be provided in a variety of network settings and degrees of integration with servers, and the like. FIGS. 5 and 6 illustrate an exemplary network configuration and server according to a particular embodiment of the present invention. It is noted, however, that operation of the dynamic presence proxy 1114 is generally similar to that discussed above.

[0027] As shown, the telecommunications system 100 of FIG. 5 includes a packet network such as a local area network (LAN) 102. The LAN 102 may be implemented using a Transmission Control Protocol/Internet Protocol (TCP/IP) network and may implement voice or multimedia over IP using, for example, the Session Initiation Protocol (SIP). Operably coupled to the LAN 102 is a multimedia server 104. The multimedia server 104 may include one or more controllers 101, which may be embodied as one or more microprocessors, and memory 103 for storing application programs and data.

[0028] The controller 101 can also implement an instant messaging system 106. The instant messaging system may be embodied as Microsoft Windows Messenger or AOL Instant Messenger or any other instant messaging system. The multimedia server 104 may also implement a presence server 215 in association with or distinct from the instant messaging system 106. In addition, according to embodiments of the present invention, a

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dynamic presence proxy 114 may be provided, which may be part of an interactive suite of applications 112, run by controller 101, and typically stored in memory 103, as will be described in greater detail below.

[0029] The dynamic presence proxy 114 is used to determine whether a user or a party to a call session is a presence user and transmit, or cause to be transmitted, presence updates to watchers of the user. Also connected to the LAN 102 is a gateway 116 which may be a telecommunications switch and may be implemented as a gateway to a private branch exchange (PBX) or the public switched telephone network (PSTN) 118, or any of a variety of other networks, such as a wireless or cellular network. In certain embodiments, the gateway 116 may be integrated with the multimedia server 104. In addition, one or more LAN telephones 120a- 120n and one or more computers 122 a-122 n may be operably coupled to the LAN 102. The computers 122a-122n may be personal computers implementing an instant messaging/presence application; certain LAN telephones 120a-120n may also implement instant messaging and presence. The computers 122a- 122n may include telephony and other multimedia messaging capability using, for example, peripheral cameras, microphones and speakers (not shown) or peripheral telephony handsets 124. In other embodiments, one or more of the computers may be implemented as wireless telephones, digital telephones, or personal digital assistants (PDAs). Thus, the figures are exemplary only. As shown with reference to computer 122a, the computers may include one or more controllers 129, such as Pentium-type microprocessors, and storage 131 for applications and other programs. Finally, the phones 120a-120n and computers 122a- 122 n and specifically, the controllers 129, may implement presence services 128 a-128n according to embodiments of the present invention. The presence services 128a-128n may be implemented in conjunction with instant messaging applications 127a-127n and the presence server 215. The presence services 128 allow access to the presence server 215 of the multimedia server 104 and thus can receive updates of user status from the dynamic presence proxy 114.

However, independent claim 1 recites (emphasis added):

1.   A method for facilitating wireless presence-based services comprising:

receiving, **by a wireless presence proxy (WPP) from a presence server, a buddy list presence update** for a mobile station (MS);

maintaining, by the WPP, **buddy list presence information reflecting the buddy list presence update** for the MS; and

when a condition for updating the MS exists, sending, **by the WPP,** presence information **from the buddy list presence information** to update the MS.

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The applicants submit that Michael, as cited by the Examiner, does not disclose a wireless presence proxy receiving a buddy list presence update <u>from</u> a presence server nor the WPP then sending presence information from the buddy list presence information to update the MS. Although Michael, as cited by the Examiner, discloses a "dynamic presence proxy," the applicants submit that this dynamic presence proxy is functionally different than the WPP recited in claim 1. These arguments made with respect to claim 1 are also applicable to claim 32.

The Examiner does not make any particular assertions regarding Michael and the rejection of claims 21 and 33. However, independent claim 21 recites (emphasis added):

21.   A method for facilitating wireless presence-based services comprising:

sending, by a mobile station (MS), a call request;

receiving, by <u>the</u> MS, a traffic channel (TCH) assignment to support the call request; and

receiving, by <u>the</u> MS, updated buddy list presence information <u>via</u> <u>the TCH supporting the call request</u>.

The applicants submit that Michael, as cited by the Examiner, does not disclose the same MS sending a call request, receiving a TCH assignment to support the call request, and then receiving updated buddy list presence information via **the TCH supporting the call request**. These arguments made with respect to claim 21 are also applicable to claim 33.
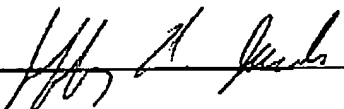
The Examiner does not make any particular assertions regarding Michael and the rejection of claims 2-20 nor claims 22-31. The applicants submit that Michael, as cited by the Examiner, does not disclose the limitations recited in these claims.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1, 21, 32 or 33, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable

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over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. **502117 -- Motorola, Inc.**

Respectfully submitted,
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